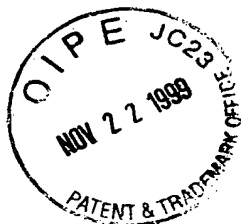


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Stoutenborough et al.
Title: MULTI-POINT DOOR LOCKING
SYSTEM
Appl. No.: 09/255,297
Filing Date: 2/22/1999
Examiner: Walsh, J.
Art Unit: 3627



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Assistant Commissioner for Patents
Washington, D.C. 20231

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RESPONSE TO RESTRICTION REQUIREMENT

This communication is responsive to the Office Action dated September 27, 1999, concerning the above-referenced patent application. A petition for a one month extension of time is attached.

The Examiner has required restriction between:

- Group I. Claims 1-6, 12-78, 81-86 and 90-92, drawn to a locking device;
- Group II. Claims 7-11, 79 and 80, drawn to a passive lock;
- Group III. Claims 87-89, drawn to a method of multi-point locking;
- Group IV. Claim 89, drawn to a method of multi-point locking including a passive lock.

In paragraph two of the Office Action, the Examiner states that

"The inventions are distinct, each from the other because of the following reasons: Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as for locking a door against a frame having a standard keeper. See MPEP § 806.05(d)."

As to the imposition of the restriction requirement, discussed in paragraph two of the Office Action, the Applicants respectfully disagree.

The Examiner has stated that "Inventions I and II are related as subcombinations disclosed as usable together in a single combination."

The inventions of Group I are directed to the subcombination of a locking device. The inventions of Group II are directed to the combination of a locking device (as recited in Group I) that includes a passive lock. The combination recited in Group II is a narrowed variant of the subcombination recited in Group I and the combination of Group II includes the subcombination of Group I. The locking device recited in the Group II claims includes a passive lock, but also includes the broadest invention recited in Group I. The Group I and Group II claims are thus not both subcombinations as the Examiner has indicated. Therefore, the restriction between the Group I and the Group II claims is improper.

In paragraph three of the Office Action, the Examiner stated that

"Inventions I and III as well as inventions II and IV are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the

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apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by another materially different apparatus."

As to the imposition of the restriction requirement, discussed in paragraph three of the Office Action, the Applicants respectfully disagree.

Applicants respectfully submit that the process as recited in the Group III and Group IV claims can not be practiced by another materially different apparatus recited in the Group I claims and Group III claims, respectively. The apparatus claims of Groups I and II are directed to a locking system that includes a locking device such that a "base lock member is prevented from moving from a first position to a second position when the activation device is not activated" (Independent Claim 1). The process recited in the Group III and Group IV claims requires the use of an activation device (or button) that releases a first lock member from a held position, caused by interaction of the activation device (or button) with a stop. Therefore, to carry out the process recited in the Group III and IV claims, the apparatus as claimed, is intended to cover the use of an activation device (or button) and the function of the activation device (or button) as recited in the Group I and II claims. Therefore, the Applicants respectfully submit that the restriction of Group I claims and Group III claims and the restriction of Group II claims and Group IV claims is improper.

In view of the foregoing, Applicants respectfully submit that the restriction requirement should be withdrawn, and each of Claims 1-92 presently pending in this application, should be examined.

Although the Applicants respectfully disagree with the Examiner's imposition of the restriction requirement, the Applicants elect Group I claims 1-6, 12-78, 81-86, and 90-92, with traverse such that this reply is fully responsive to the Examiner's restriction requirement dated September 27, 1999.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date November 16, 1999

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